September 25, 2017

Via E-mail

Mine Safety & Health Administration
Office of Standards, Regulations and Variances
201 12th Street South, Suite 4E401
Arlington, VA 22202-5452
Email:

> **Re:** **RIN 1219-AB87**
> **Docket No. MSHA-2014-0030**

To Whom it May Concern:

The Oklahoma Aggregates Association (OKAA) now submits these comments in response to MSHA's most recent proposed extension of the effective date of the Final Rule from October 2, 2017 to March 2, 2018, as set forth in 82 Fed. Reg. 42765 (Sept. 12, 2017). While an extension of the Final Rule's effective date beyond October 2, 2017 is necessary and appropriate, OKAA believes that the regulated community and the Agency itself would be best served by an indefinite suspension of the effective date until the Final Rule's substantive terms are finalized. That is unlikely to happen during the five month period of delay that is proposed.

There is currently uncertainty as to the substance of the Final Rule for two reasons: (1) Concurrent with its proposed extension of the effective date, MSHA also proposed substantive amendments to certain provisions of the Final Rule; and (2) The litigation in the Eleventh Circuit remains pending.

For these reasons, the current effective date of October 2, 2017 should be delayed, and the effective date of the Final Rule should be indefinitely suspended. An effective date should only be established once the substantive terms of the Final Rule are finalized, and not before the amended Final Rule is promulgated and the litigation in the Eleventh Circuit is resolved.

Jim Rodriguez
Executive Director
Oklahoma Aggregates Association

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The 2018 OKAA Annual Meeting will be held January 30th & 31st at the Hard Rock Hotel & Casino in Catoosa, Oklahoma. Mark your calendars!

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